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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/224,219

12/30/1998

S. VINCENT BIRLESON

45981-P016US

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10/03/2005

DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P.  
2200 ROSS AVENUE  
SUITE 2800  
DALLAS, TX 75201-2784

EXAMINER

GESESSE, TILAHUN

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/224,219

**Applicant(s)**

BIRLESON, S. VINCENT

**Examiner**

Tilahun B. Gesesse

**Art Unit**

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-13,15-22,24-27 and 29-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-6,8 and 32-53 is/are allowed.
- 6) ☒ Claim(s) 9,10,12,13,15,17-19,21,22,24,26,27 and 29 is/are rejected.
- 7) ☐ Claim(s) 11,16,20,25,30-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments, see page 13, line 20 through page 14 line 16, filed June 24, 2005, with respect to claims 1 and 32 have been fully considered and are persuasive. The rejection of claims 1 and 32 has been withdrawn. However, Applicant's arguments filed 6/24/05 have been fully considered but they are not persuasive. Therefore, the rejection to independent claims, 9, 18 and 26 has been maintained.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9-10,12-13,15,17-19,21-22,24-27,29 are rejected under 35 U.S.C. 102(e) as being by Ciccarelli.

Claim 9, Ciccarelli teaches a method of operating a tuner (see abstract), the method comprising the steps of determining optimal tuner power consumption from knowledge of the signals being processed by the tuner (RSSI) (see abstract)'.

Ciccarelli teaches adjusting the tuner power consumption in accordance with said detennining step, wherein said adjusting step includes the step of adjusting power consumption of certain tuner components within said tuner to achieve a desired intercept point for each component of said certain tuner components (column 4, line 34 through column 5, line 2)

Claim 10. Ciccarelli teaches taking signal measurements of the signal being processed by the tuner (see abstract).

Claim13, Ciccarelli teaches said signal measurement step determining total power across all channels (column 4, line 34 through column 5, line 2).

Claim 12, Ciccarelli teaches receiving information from an external source (from broadcast station , and perform to minimize power consumption).

Claim 15 Ciccarelli teaches adjusting power consumption of certain components within said tuner includes the step of: controlling current levels of said certain tuner components (see abstract and (column 4, line 34 through column 5, line 2, column 11, line 45-column 55 and column 12, lines 39-54). .

Claim 17, Ciccarelli teaches said adjusting step includes the step of: adjusting the number of components that are active at any particular time (column 4, line 34 through column 5, line 2, column 11, line 45-column 55 and column 12, lines 39-54)..

Claim 18, (Ciccarelli teaches A tuner comprising: a circuit for determining acceptable tuner power consumption from knowledge of the signals being processed by the tuner', and at least one circuit for adjusting the tuner power consumption in accordance with said detenuining circuit, (column 4, line 34 through column 5, line 2)

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wherein said adjusting circuit adjusts the power consumption of certain tuner components within said tuner (column 4, line 34 through column 5, line 2, column 11, line 45-column 55 and column 12, lines 39-54).

Claim 19. Ciccarelli teaches detennining circuit includes a circuit for taking signal measurements of the signal being processed by the tuner(column 4, line 34 through column 5, line 2, column 11, line 45-column 55 and column 12, lines 39-54).

Claim 21 Ciccarelli teaches determining circuit includes a circuit for reviewing information from an external source(column 4, line 34 through column 5, line 2, column 11, line 45-column 55 and column 12, lines 39-54).

Claim 22. Ciccarelli teaches said determining circuit includes a circuit for monitoring the RF input and the inband receive signal strength( see abstract).

Claim 24. Ciccarelli teaches said adjusting circuit adjusts the current levels of said certain tuner components within said tuner. (column 4, line 34 through column 5, line 2, column 11, line 45-column 55 and column 12, lines 39-54).

Claim 26. Ciccarelli teaches a tuner comprising: circuitry for determining desired power consumption of certain tuner components from knowledge of the signals being processed by the timer(column 4, line 34 through column 5, line 2 ) and circuitry operable in cooperation with said determining circuitry for adjusting the power consumption of said certain tuner components to achieve a desired component intercept point (column 4, line 34 through column 5, line 2, column 11, line 45-column 55 and column 12, lines 39-54).

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Claim 27, Ciccarelli teaches said determining circuit includes circuitry for taking signal measurements of the signal being processed by the tuner(column 4, line 34 through column 5, line 2, column 11, line 45-column 55 and column 12, lines 39-54).

Claim 29. Ciccarelli teaches the adjusting circuitry controls current levels of said certain components (column 4, line 34 through column 5, line 2, column 11, line 45-column 55 and column 12, lines 39-54).

#### ***Allowable Subject Matter***

4. Claims 11,16,20,25 and 30-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim1-8, 32-53 are allowed over the prior art .The following is an examiner's statement of reasons for allowance: the prior art does not teach see applicant's argument dated June 24, 2005.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882.

On July 15, 2005, the Central FAX Number will change to 571-273-8300. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for "centralized delivery".

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9/2/05  
  
TILAHUN GESESSE  
PRIMARY EXAMINER